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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF)	SURRENDER
LORI E. NIVEN)	STIPULATION AND ORDER
TO PRACTICE AS A)	
REGISTERED NURSE)	CASE NO DOPL 2009- 357
IN THE STATE OF UTAH)	

LORI E. NIVEN ("Respondent") and the Division of Occupational and Professional
Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree
as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the
subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and
voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Nursing ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to a hearing, the right to call witnesses on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15 Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann § 63G-4-102(4)

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities

7 Respondent admits the following facts are true

- a Respondent was first licensed as a registered nurse in the State of Utah on or about December 12, 1996
- b Respondent voluntarily entered into a Stipulation and Order in DOPL Case No 2002-160 which became effective on or about July 18, 2002
Respondent's license was placed on probation subject to terms and conditions for a period of five years
- c Respondent failed to comply with the terms and conditions of the Stipulation and Order in DOPL Case No 2002-160 On or about April 29, 2003 Respondent entered into a second Stipulation and Order in DOPL Case No 2003-60 Respondent was ordered to comply with the original terms and conditions of the July 18, 2002 Stipulation and Order, as well as with additional terms and conditions
- d On or about March 7, 2006, Respondent entered into a third Stipulation and Order in DOPL Case No 2006-53 Respondent was publicly reprimanded by the Division for consuming alcohol and violating the terms and conditions of her previous two stipulated agreements
- e On or about November 2, 2006, Respondent's term of probation ended and Respondent's license was reinstated with full privileges
- f On or about July 12, 2007, Respondent entered into a fourth Stipulation and Order in DOPL Case No 2007-151, after Respondent tested positive for alcohol while working a scheduled shift at St Mark's Hospital
Respondent's license was again placed on a five year term of probation subject to terms and conditions
- g On or about August 18, 2008, Respondent was fined \$300 (three hundred dollars) and was publicly reprimanded for violating the terms and conditions of the Stipulation and Order as amended in DOPL Case No 2007-151
- h On or about September 9, 2009, Respondent submitted a sample for drug analysis which subsequently tested positive for Tramadol (Ultram)
Respondent did not possess a valid prescription for Tramadol nor did she receive the Tramadol from an authorized source

- 1 On or about November 10, 2009, Respondent was terminated from her employment at a nursing home after Respondent applied a Lidoderm patch on a patient without a physician's order
- J Respondent desires to surrender Respondent's license to practice as a registered nurse in the State of Utah along with all residual rights pertaining to said license

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent hereby surrenders Respondent's license to practice as a registered nurse in the State of Utah along with all residual rights pertaining to said license Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2)(a) and (b) Respondent agrees not to reapply for licensure as a nurse in the State of Utah until (1) two years after the effective date of this Stipulation and Order, and (2) Respondent is able demonstrate that Respondent has not used alcohol or drugs for which Respondent does not have a current valid prescription, for a period of at least one year, by providing monthly drug test results to the Division for the six months just prior to application The Division does not guarantee that any future application by Respondent for licensure will be granted If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a nurse in the State of Utah Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter Respondent

acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

11 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law

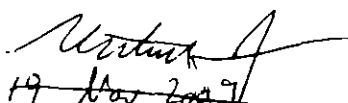
12 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

**DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING**

BY 
LAURA POE
Bureau Manager

DATE 11-19-09

**MARK L SHURTLEFF
ATTORNEY GENERAL**

BY 
~~19 Nov 2009~~
L MITCHELL JONES
Counsel for the Division

DATE 19 Nov 2009

RESPONDENT

BY 
LORI E NIVEN

DATE 11/19/09

ORDER

THE ABOVE STIPULATION, in the matter of **LORI E. NIVEN**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 19 day of November, 2009

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator: Irene Woodford